

REMARKS

In the Office Action dated March 26, 2004, claims 1, 2, 7, 19 and 20 are rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 4,244,378 (“Brignola”) or U.S. Patent No. 5,535,785 (“Werge”); and claims 1, 2, 7, 8 and 14-20 are rejected under 35 U.S.C. § 103 in view of Werge and further in view of U.S. Patent No. 5,244,463 (“Cordner”) and U.S. Patent No. 5,009,654 (“Minshall”). On June 1, 2004, Applicants submitted a response to the Office Action dated March 26, 2004. An Advisory Action was subsequently issued on July 23, 2004, where the claim rejections were maintained.

In response, Applicants have amended independent claims 1, 7, 14, 17 and 19. Claim 1 recites a valve arrangement; claim 7 recites a device for administration of at least one fluid to a patient; claim 14 recites a method of providing a fluid to a patient; claim 17 recites a method of treating a patient; and claim 19 recites a device for controlling the flow of a fluid from a container to a patient including a valve arrangement. As amended, each of independent claims 1, 7, 14, 17 and 19 include, in part, a valve that has a piston member with a single stem and a mushroom shaped head which is deformable under pressure in a desired flow direction. The amendment is supported in the specification, for example, at paragraph 34 and figure 1.

Applicants believe that the claimed invention is distinguishable from the cited art even if combinable. With respect to Brignola and Werge, these references fail to provide a valve that includes a piston with a single stem. Indeed, the Patent Office even admits this deficiency with respect both Werge and Brignola. See, Advisory Action, pages 3 and 4. As disclosed in Brignola, the valve element 84 comprises a disk-like body portion 90 and a plurality of pedestals or legs 92 depending from the lower face thereof. See, Brignola, column 6, lines 14-17; Fig. 8. As disclosed in Werge, the primary focus of this reference relates to a Luer-activated check valve that may include an angular extension or base which may be compressed by a downwardly force. Therefore, Applicants believe that Brignola and Werge are deficient with respect to the claimed invention for at least these reasons.

Further, Applicants do not believe that the remaining cited art can be relied on solely to remedy the deficiencies of Brignola and Werge. Indeed, the Patent Office merely relies on Minshall for its alleged teaching regarding a rotary peristaltic pump with a check valve; and merely relies on Cordner for its alleged teaching regarding a pump with a check valve when

delivering nutrition to a patient. Therefore, Applicants believe that one skilled in the art would not be inclined to modify the cited art to arrive at the claimed invention.

Accordingly, Applicants respectfully submit that the claimed invention should be rendered patentable over the cited art and thus respectfully request that the anticipation and obviousness rejections be withdrawn in view of same.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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